

ORDINANCE NO. 89-4

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 7 OF ORDINANCE NO. 76-2, AS AMENDED, TO SPECIFY EXEMPTIONS FROM THE PAYMENT OF FEES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING LAWS; EFFECT OF CAPTIONS; CODIFICATION; AND EFFECTIVE DATE

WHEREAS, Section 7 of Ordinance No. 76-2, as amended by Ordinance No. 87-12, provides for the exemption of certain individuals, agencies, corporations, and businesses from the payment of fees for the obtaining of a permit for public right-of-way construction; and

WHEREAS, it is appropriate and desirable to more specifically define those circumstances in which fee exemptions shall be permitted.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

"Section 7. Fees" of Ordinance No. 76-2, as amended by Ordinance No. 87-12, is amended to read:

Section 7. Fees.

The County Engineer, or his designated representative shall, as deemed necessary and from time-to-time, promulgate forms, procedures, and permits for all construction or installation upon or within the public rights-of-way. Such application shall include the payment of a fee in accordance with the most current land development fee schedule, except that such fees shall not be applied in the following instances:

(1) Where the construction performed is for the benefit of a governmental or subgovernmental agency and that agency is a direct party to the contract for said construction.

~~(2) Where the permittee is under contract to deliver the constructed project over to a governmental or subgovernmental agency upon completion of the project.~~



## ORDINANCE/FEE SCHEDULE/PERMITS

1        (2) ~~(3)~~ Where the construction is performed by a cable  
2 television company licensed to operate within the County by the  
3 Board of County Commissioners pursuant to county ordinance.

4        (3) ~~(4)~~ Where the right-of-way lies within the corporate  
5 boundaries of a municipality and the municipality charges a permit  
6 fee for inspection of the same construction or installation work.

7                In no event shall these fees be waived in instances  
8 wherein any construction is pursuant to conditions associated with  
9 or required through zoning and/or a planned unit development.

### 10                SECTION 13 - SEVERABILITY:

11                If any section, paragraph, sentence, clause, phrase, or  
12 word of this Ordinance is for any reason held by the Court to be  
13 unconstitutional, invalid, inapplicable, inoperative, or void,  
14 such holding shall not affect the remainder of this Ordinance or  
15 its applicability to other facts and circumstances.

### 16                SECTION 14 - REPEAL OF LAWS IN CONFLICT:

17                Any local laws, and ordinance applying to the  
18 unincorporated area of Palm Beach County in conflict with any  
19 provision of this Ordinance are hereby repealed.

### 20                SECTION 15 - CAPTIONS:

21                The captions, section headings, and designations are for  
22 convenience only and shall have no effect on the interpretation  
23 of the provisions herein.

### 24                SECTION 16 - CODIFICATION:

25                This Ordinance shall be codified in the Code of Laws and  
26 Ordinance of Palm Beach County and the sections of this Ordinance  
27 may be renumbered or relettered to accomplish such codification.

### 28                SECTION 17 - EFFECTIVE DATE:

29                The provisions of this Ordinance shall become effective  
30 upon receipt of acknowledgement by the Secretary of State.



ORDINANCE/FEE SCHEDULE/PERMITS

1                   APPROVED AND ADOPTED by the Board of County  
2 Commissioners of Palm Beach County, Florida, on the 21st day of  
3 March, 1989.

4 ATTEST:  
5 JOHN B. DUNKLE, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

6 By: Judith Crosbie  
7 Deputy Clerk

By: Carol Elquist  
Chair

8 APPROVED AS TO FORM AND  
9 LEGAL SUFFICIENCY

10 By: [Signature]  
11 County Attorney

12 Acknowledgement by the Department of State of the State  
13 of Florida, on the 27th day of March, 1989.

14 EFFECTIVE DATE: Acknowledgement from the Department of  
15 State received on the 30th day of March, 1989 at  
16 10:33 A.M., and filed in the Office of the Clerk of the Board  
17 of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, ex officio Clerk of the  
Board of County Commissioners certify this to  
be a true and correct copy of the original filed in  
my office on 3/21/89 at 5:00 P.M.  
DATED at West Palm Beach, FL on 4/4/89.  
JOHN B. DUNKLE, Clerk  
By: [Signature] D.C.  
Deputy Clerk

ORDINANCE  
ENCLOSED